

fendant who confessedly held only as tenant. *Lathropp v. Marsh*, 5 Ves. 259; *Pulteney v. Shelton*, 5 Ves. 260, note; *Onslow v. —* 16 Ves. 173. Whence it was evident, that there can be no means of preventing waste from being done upon real estate, in England, pending a suit to determine the title, other than the writ of *estrepement*; and that writ, it is said, has fallen into disuse. 3 *Blac. Com.* 227; *Calvert v. Gason*, 2 *Scho. & Lefr.* 561.

But in a variety of other cases the English Court of Chancery is in the habit of exercising its preventative and conservative powers for the express purpose of preserving the subject of litigation from waste, injury, or total loss, pending the controversy.

In cases of patent rights, where the plaintiff is in possession of the invention, under color of title, an injunction may be granted pending the proceedings at law to try the right. *The Universities of Ox. & Cam. v. Richardson*, 6 Ves. 689. And so, too, where the plaintiff claims the copy-right of a book, an injunction may be granted to prevent publication, during the continuance of a suit at law. In cases of copy-right the jurisdiction is assumed merely for the purpose of making the legal right effectual, which

\* cannot be done by any action for damages, because, if the work is pirated, it is impossible to lay before a jury the whole evidence as to all the publications, which go out to the world, to the plaintiff's prejudice; and therefore, with a view to make the legal right effectual, the publication will be altogether prohibited. Where a fair doubt appears, as to the plaintiff's legal right, the Court alwas directs it to be tried; making some provision in the interim, the best that can be, for the benefit of both parties. *Hogg v. Kirby*, 8 Ves. 215; *Wilkins v. Aikin*, 17 Ves. 422; *Rundell v. Murray, Jac. Rep.* 311; Act of Congress, 15th February, 1819, ch. 19. And on a proper case being presented the Court will grant an injunction, and appoint a receiver to preserve personal property while a suit is depending in the Ecclesiastical Court, although an administration *pendente lite* might be there obtained. *Atkinson v. Henshaw*, 2 Ves. & Bea. 85. In general, where personal property, or the rents and profits of real estate in dispute, are in imminent danger of being wasted or lost, a receiver may be appointed to take care of it, for the benefit of all concerned, pending the controversy. *Powell Mort.* 294, note. To accelerate the progress of the suit, as well as for the greater security of the fund, for the benefit of those who may ultimately appear to be entitled to it, money may be ordered to be brought into Court where the defendant admits, that he has it in his hands, and that he has no title to it. *Gordon v. Rothley*, 3 Ves. 572; *Freeman v. Fairlie*, 3 *Meriv.* 29. And there are many instances where the Court interposes by injunction to secure the enjoyment of specific chattels; either because of their peculiar character; or because, from the nature of the property, it would be difficult or impossible for the plaintiff to have the full